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ACTION EUR-00

INFO	LOG-00	EEB-00	AF-00	AID-00	ACQ-00	CPR-00	INL-00
	DODE-00	DOTE-00	WHA-00	PERC-00	PDI-00	DS-00	EAP-00
	DHSE-00	OIGO-00	FAAE-00	VCI-00	DIAS-00	FRB-00	H-00
	TEDE-00	INR-00	IO-00	LAB-01	ARMY-00	MOFM-00	MOF-00
	VCIE-00	NEA-00	DCP-00	NSAE-00	NIMA-00	GIWI-00	SCT-00
	DOHS-00	FMPC-00	SP-00	IRM-00	SSO-00	SS-00	NCTC-00
	CBP-00	DSCC-00	PRM-00	DRL-00	SCA-00	NFAT-00	SAS-00
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FM AMEMBASSY MADRID
TO SECSTATE WASHDC PRIORITY 0904
HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
INFO EUROPEAN POLITICAL COLLECTIVE PRIORITY
AMEMBASSY BOGOTA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
AMCONSUL BARCELONA PRIORITY
CIA WASHDC PRIORITY
DEA HQS WASHDC PRIORITY
DEPT OF JUSTICE WASHDC PRIORITY
DIA WASHDC PRIORITY
FBI WASHDC PRIORITY
NCTC WASHINGTON DC PRIORITY
NSC WASHDC PRIORITY
TSA HQ WASHINGTON DC PRIORITY
US SECRET SERVICE WASHDC PRIORITY
USDAO MADRID SP PRIORITY
USEU BRUSSELS PRIORITY

C O N F I D E N T I A L MADRID 000673

SIPDIS

FOR EUR/WE, EUR/NB, EUR/ERA, INR, WHA/MEX, WHA/AND
PASS TO MARC FREY, DAVE GORDNER, KIKO CORTI, MIKE
SCARDAVILLE OF DHS

E.O. 12958: DECL: 07/09/2019
TAGS: [PREL](#) [PINS](#) [PTER](#) [PINR](#) [KHLs](#) [KCIP](#) [KCRM](#) [SP](#) [PGOV](#)
SUBJECT: SPAIN: DHS SEC. NAPOLITANO'S MEETINGS WITH CABINET
MINISTERS

REF: A. MADRID 671
[1](#)B. MADRID 614

Classified By: Charge D'Affaires Arnold A. Chacon for reasons 1.4 (b) a
nd (d)

[1](#)1. (C) SUMMARY. In addition to the meetings described in Ref
A, DHS Secretary Janet Napolitano held meetings on July 1
with Spain's Second Vice President, Elena Salgado, who also
serves as Minister of Economy and Finance, Interior Minister
Alfredo Perez Rubalcaba, and Justice Minister Francisco
Caamano. While the meeting with the Ministry of Economy and
Finance focused on combating financial and customs crimes,
the meetings at the Ministry of Interior addressed several
ways to strengthen bilateral and U.S.-EU cooperation. Talks
with the Justice Minister centered around GOS efforts to
revitalize the transatlantic agenda during its EU Presidency
in early 2010 and on the reforms to Spain's "universal
jurisdiction" law. Embassy Madrid's Charge d'Affaires Chacon
and DHS/ICE Attache Alvarez accompanied the Secretary and her
delegation, which included Chief of Staff Noah Kroloff, U/S
Beers, A/S Smith, DAS Koumans. END SUMMARY.

//MEETING WITH SECOND VP AND MINISTER OF ECONOMY AND FINANCE
SALGADO//

[1](#)2. (U) The Secretary discussed financial and customs crimes
with Salgado and her staff, which included Secretary of State
for Economy (vice minister) Jose Manuel Campa, DG of the
Treasury Soledad Nunez, Customs Director Nicolas Bonilla,
Customs Deputy Director for Investigation and Enforcement

Maria Vicenta Abad, Deputy DG of Inspection and Control of Capital Movements Juan Vega, and Ministerial advisor Rufino de la Rosa. The GOS delegation praised existing bilateral cooperation and expressed a desire to continue strengthening it. Campa explained that the GOS planned to submit to the Congress in the next two weeks draft legislation to implement an EU Directive on money laundering and terrorist financing. (Comment: Press reports indicate that this is the third directive, 2005/60/CE, which was supposed to have been implemented by December 2007.) The legislation also would contain language designed to prevent money laundering through the purchase of GOS bonds. Salgado noted that Spain chaired a European regional working group in this area and was working closely with the USG.

13. (SBU) Customs Director Bonilla cited three areas of cooperation with the USG. Controlled deliveries of cash and the Container Security Initiative (CSI) in the ports of Algeciras, Barcelona, and Valencia were working well, and the GOS hoped the CSI could be expanded to additional ports. The "Hands Across the World" operation against bulk cash smuggling held June 10-16 at Madrid's Barajas airport was successful in catching illegal couriers and in deterring such activity. The USG also provided useful information on many cocaine shipments. In response to a question from the Secretary, Salgado noted her concern regarding cocaine trafficking and consumption dating from her earlier service as Health Minister. Bonilla said Mexicans were replacing Colombians as cocaine traffickers to Spain. Representatives of his service and ICE had traveled together to Colombia to open communication channels with GOC officials. Bonilla said the GOS also had a productive bilateral exchange with Mexican officials. The Secretary and Minister Salgado agreed to expand cooperation to address the trafficking of drugs and cash from Colombia and Mexico to the U.S. and Spain. The Secretary indicated Madrid ICE Attache Luis Alvarez would have the lead for DHS.

14. (SBU) Treasury DG Nunez noted that the draft law implementing the EU money laundering directive would create a database with names and account numbers for all financial accounts. At present, in order to freeze assets, the GOS needed to ask all of the co3"Q> 3azen, such as judicial orders based on probable cause to suspect tax fraud. Nunez also noted GOS support for the EC's proposal on SWIFT data exchange to fight terrorist finance.

15. (SBU) Secretary Napolitano asked whether proceeds from human trafficking were treated the same way as drug proceeds under Spanish law and in terms of the database. Treasury official Vega indicated that Spanish law defined money laundering broadly, so that operations involving proceeds from human trafficking could be considered money laundering. Salgado believed the database could be used in searches for proceeds from human trafficking and thought language was included in the draft law that would allow this. (Comment: The Vice President did not appear certain.)

//MEETING WITH INTERIOR MINISTER RUBALCABA//

16. (C) Secretary Napolitano stated that the USG was interested in working with Spain to negotiate an agreement on data privacy that could lead to a US-EU information-sharing accord signed during Spain's 2010 EU Presidency. Rubalcaba said for years there has been interest within the EU in doing this, but that the early 2009 Czech Presidency "basically wasted six months." Rubalcaba suggested that he would talk to his counterpart in Sweden, which took the EU late 2009 Presidency that day, to coordinate with Stockholm the relaunch US-EU talks during the Swedish Presidency in hopes that negotiations could conclude either during the Swedish or the Spanish EU Presidencies. Rubalcaba appeared supportive of reaching an agreement, but cautioned that cumbersome EU red tape - and the need for consensus among the 27 member-states before the bloc negotiates with the USG - would make this timeline difficult to achieve.

17. (C) The Secretary offered to work with the Department of

State to supply a DHS official - for a six- to nine-month tour in anticipation of and during the Spanish EU Presidency - to work in Rubalcaba's Ministry to address these U.S.-EU issues and to strengthen bilateral efforts to combat terrorism, human trafficking, and drug smuggling. The Minister said he was delighted the Secretary accepted the proposal he had made during his visit to Washington the previous week and said that a similar program with a German Ministry of Interior official had been enormously productive for Spain. The Minister suggested the sooner this could be arranged, the better, but he also went out of his way that the GOS was not looking for anyone to supplant the role of the ICE Attache office in U.S. Embassy Madrid and emphasized that the workload would be different. Rubalcaba also made a pitch for two or three Civil Guard officials to travel to the United States for a briefing on how the U.S. Coast Guard operates. The Secretary replied she would be more than happy to have DHS work with the Spanish on this.

¶8. (C) The Secretary and Rubalcaba also signed a declaration of principles to formalize the presence of three CBP officers who have been working at Madrid's Barajas Airport as part of the Department's Immigration Advisory Program (IAP). The accord allows IAP to continue operations following a successful pilot. During a joint press conference following the signing of the agreement, Rubalcaba said that the GOS did not rule out the possibility that the program could be expanded to other Spanish airports.

//MEETING WITH JUSTICE MINISTER CAAMANO//

¶9. (C) Caamano informed the Secretary that the GOS - during its EU presidency - was planning to revitalize the transatlantic agenda. He said he was aware of some USG concerns about the EU position on data protection and explained that the EU was looking for a balance of privacy guarantees and security concerns. The Secretary agreed with the initiative to promote cooperation between both the USG and GOS and the USG and the EU. She added that there was a lot of information that could and should be shared. She suggested that there must be a way to strike the balance the Minister had described and told Caamano that she had offered to provide a DHS official on TDY to the Ministry of Interior to help resolve this and other issues. Asked whether combating cybercrime and promoting cybersecurity would be included in Spain's transatlantic agenda initiative, the Minister replied that that he thought that it would. The Secretary encouraged this to be a priority item and highlighted that these types of crimes do not respect national boundaries. Caamano said the EU had been working on some framework decisions to allow member-states to be more effective in combating cybercrime and indicated that perhaps regulatory reforms could be established to close down servers that systematically violate intellectual property rights.

¶10. (C) The Secretary inquired as to the status of Spain's "universal jurisdiction" doctrine, to which Caamano replied that the practical application of universal jurisdiction - which is very popular in Spain - had caused problems for the GOS with other democratic countries. The Minister explained how the lower house of the Spanish parliament recently had passed a bill which would prevent Spain from becoming "the guardian of the world." He elaborated that the reform - which still had not received approval from the Senate - would establish that the Spanish judiciary could not open a case involving crimes against humanity if another country already had begun its own investigation. Also, the reform would establish that there must be a link between the crime and Spanish interests, such as an incident involving Spanish citizens. The Minister pointed out that the National Court had recently dismissed a Spanish "universal jurisdiction" case involving Israeli bombardment of the Gaza Strip in 2002 after Israel opened its own investigation into the matter.

¶11. (SBU) The DHS delegation has cleared this cable.
CHACON ...